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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Yu )  
Serial No.: 09/768,526 ) Group Art Unit: 2837  
Filed: January 24, 2001 ) Examiner: Rita Leykin  
For: **STARTING DEVICE AND METHOD** ) TKHR Ref: 250404-1140  
**FOR ELIMINATING A PEAK CURRENT** ) Top-Team Ref: 0678-6055US

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop - Petition; Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 1, 2003.

  
Signature - Hui Chin Barnhill

RECEIVED  
OCT - 7 2003  
TECHNOLOGY CENTER 2800

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PURSUANT TO 37 CFR 1.181**

Mail Stop- Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby petitions for the withdrawal of the holding of abandonment mailed in this application on September 17, 2003. The undersigned received this notice at his offices on September 25, 2003, and has promptly filed this petition. Simply stated, the holding of abandonment was predicated upon the improper conclusion that no issue fee was submitted in this application. In fact, the Applicant submitted the issue fee on February 11, 2003.

### **Facts Supporting Withdrawal of Holding of Abandonment**

An original Notice of Allowance was mailed in this application on January 28, 2003. In response, the issue fee was paid on February 11, 2003. A copy of these papers, including a copy of the return postcard from the PTO evidencing receipt of same, is attached hereto at Tab A.

On February 10, 2003 (Paper No 10), the PTO mailed a Notice of Withdrawal from Issuance. Then, on March 5, 2003, an Office Action was mailed requiring non-substantive amendments to the above-referenced patent application.

On March 27, 2003, Applicant mailed a response to this Office Action. On page 2 of this response, Applicant expressly requested that the previously-submitted issue fee be applied to any ensuing issue fee. Specifically, that response included the following directive:

The undersigned notes that the issue fee payment was submitted on Feb. 11, 2003, in response to the Notice of Allowance mailed Jan. 28, 2003. Since the changes made by this amendment are purely cosmetic, the undersigned expects a supplemental Notice of Allowance to be forthcoming, and requests that the previously-submitted issue fee payment be applied thereto.

A copy of this response is attached hereto at Tab B.

On April 11, 2003, a supplemental Notice of Allowance was indeed mailed, and Applicant returned the Issue Fee transmittal on April 17, 2003. A copy of this transmittal, along with the return postcard indicating receipt by the PTO on April 22 is attached hereto at Tab C. Immediately above the undersigned's signature on that transmittal is the statement that the "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above."

### Conclusion

Simply stated, it appears that the PTO simply failed to apply the previously submitted issue fee (submitted on Feb. 11, 2003) in connection with the Issue Fee transmittal that was submitted on April 17, 2003. The undersigned has confirmed that the issue fee submitted on February 11, 2003, was paid by check number 24616, and that that check has been presented by the PTO to our bank and payment to the PTO has cleared.

In view of the foregoing, the undersigned respectfully submits that the holding of abandonment was improper and should be withdrawn.

No fees are believed to be due in connection with this petition. If, however, any fee is deemed to be payable, you are hereby authorized to charge any and all such fees to Deposit Account No. 20-0778.

Respectfully submitted,



Daniel R. McClure  
Registration No. 38,962

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Box ISSUE FEE  
 Commissioner for Patents  
 Washington, D.C. 20231  
**Fax** (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590

01/28/2003

DANIEL R. MCCLURE,  
 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
 100 GALLERIA PARKWAY,  
 SUITE 1750  
 ATLANTA, GA 30339

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Hui Chin Barnhill (Depositor's name)

H-Ch Barnhill (Signature)

February 11, 2003 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,526	01/24/2001	Shou-Te Yu	3158/01208	2403

TITLE OF INVENTION: STARTING DEVICE AND METHOD FOR ELIMINATING A PEAK CURRENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	04/28/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEYKIN, RITA	2837	318-806000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Delta Electronics, Inc.

Taoyuan Sien 333, Taiwan R.O.C.

Please check the appropriate assignee category or categories (will not be printed on the patent) ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☐ Publication Fee

☒ Advance Order - # of Copies Five (5)

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 20-0778 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

Daniel R. McClure

(Date)

2-11-03

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)

**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

24616

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
02/11/03	Commissioner of Patents & Trademarks Issue Fee/250404 1140	021101	1615.00		1615.00

TO did not receive items marked with

CHECK DATE 02/11/03	CONTROL NUMBER 24616	TOTALS	Gross: 1615.00	Ded: 0.00	Net: 1615.00
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**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

100 GALLERIA PARKWAY, N.W., SUITE 1750  
ATLANTA, GA 30339-5948  
PH. 770-933-9500

WACHOVIA BANK, N.A.  
ATLANTA, GA 30339  
64-1-610

24616

PAY \*\*\* ONE THOUSAND SIX HUNDRED FIFTEEN & 00/100 DOLLARS

TO THE  
ORDER  
OF:

Commissioner of Patents & Trademarks

VOID AFTER 60 DAYS

*[Signature]*

080919/12-91

Security Features Included. Details on back.

**CERTIFICATE OF MAILING**

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Box: Issue Fee  
Commissioner for Patents  
Washington, D.C. 20231**

on February 11, 2003.

H. Chin Barnhill  
Hui Chin Barnhill

In Re Application of:

Yu

Group Art Unit: 2837

Serial No.: 09/768,526

Examiner: Leykin, Rita

Filed: January 24, 2001

Docket No.: 250404-1140

**For: Starting Device and Method for Eliminating a Peak Current**

The following is a list of documents enclosed:

Return Postcard

Issue Fee Transmittal

Check in the amount of \$1,615.00

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.